

BOARD OF APPEALS CASE NO. 5212

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BEFORE THE

APPLICANTS: Blake & Patricia Barb

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a sun porch
within the required rear yard setback;
116 Hibiscus Court, Bel Air**

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OF HARFORD COUNTY

HEARING DATE: February 25, 2002

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Hearing Advertised

Aegis: 12/26/02 & 1/2/02

Record: 12/28/01 & 1/4/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Blake and Patricia Barb, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to construct a sun porch within the required forty (40) foot rear yard setback (34 feet proposed) in an R2 District.

The subject parcel is located at 116 Hibiscus Court, Bel Air, Maryland 21014 and is more particularly identified on Tax Map 49, Grid 4B, Parcel 875. The parcel consists of 10,105 square feet, is zoned R2/Urban Residential and is entirely within the Third Election District.

The Applicant, Blake Barb, appeared and testified that he wants to construct a sun porch on the rear of his home. The proposed structure will be 28 feet long by 14 feet deep. The witness stated that his house was placed on the property in a cantilevered manner so that one side of his house is closer to the rear lot line than the other. Part of the proposed sun porch will encroach into the setback by 6 feet (40 feet required, 34 feet proposed), but the encroachment gets less as you measure closer to the other side of the house. According to the witness, this cantilevered placement is unique and creates the need for the requested variance. The Applicant did not feel that any adverse impact would result from a grant of the variance and/or construction of an enclosed sun porch. The siding and roofing material will match the existing home and the house to the rear of his is 90 feet away.

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The Department of Planning and Zoning, in its Staff Report dated February 15, 2002, indicated that the parcel is gently rolling, sloping up to the house from the road and then down again to the rear. The Staff Report states:

“The house sits at an angle to the rear lot line and the proposed sunroom will only reduce the required forty (40) foot setback to approximately thirty-four (34) feet. Because of the configuration of the Applicant’s lot and the surrounding lots, the reduced setback will not be noticeable. The request, if approved, will not have an adverse impact on the intent of the Code or the adjacent properties.”

In conclusion, the Staff recommended approval of the request.

CONCLUSION:

The Applicants, Blake and Patricia Barb, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to construct a sun porch within the required forty (40) foot rear yard setback (34 feet proposed) in an R2 District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

Section 267-36B, Table V, requires a 40 foot minimum rear yard setback in an R2 District. Because of the angular placement of the house on the Applicant’s property, only a seven (7) foot addition could be added without the variance requested. The Hearing Examiner finds the angular placement unique and the proposed placement the appropriate location for the proposed addition. The addition is similar to others found throughout Harford County and should not have any adverse impacts to the Code or adjoining properties associated with its construction or use.

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The Hearing Examiner recommends approval of the Applicant's request, subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date MARCH 18, 2002

William F. Casey
Zoning Hearing Examiner